

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

MANAGEMENT REGISTRY, INC.,

Civil No. 17-5009 (JRT/DTS)

Plaintiff,

v.

**ORDER GRANTING PLAINTIFF'S REQUEST
FOR LEAVE TO FILE A MOTION TO
RECONSIDER**

A.W. COMPANIES, INC.; ALLAN K.
BROWN; WENDY BROWN; and MILAN
BATINICH,

Defendants.

Anna Koch, Nicholas N. Sperling, and V. John Ella, **TREPANIER MACGILLIS BATTINA, PA**, 8000 Flour Exchange Building, 310 South Fourth Avenue, Minneapolis, MN 55415; James M. Morris, **MORRIS & MORRIS P.S.C.**, 217 North Upper Street, Lexington, KY 40507, for Plaintiff.

Austin J. Spillane, Donald M. Lewis, Joel Andersen, and Katie M. Connolly, **NILAN JOHNSON LEWIS PA**, 250 Marquette Avenue South, Suite 800, Minneapolis, MN 55401, for Defendants.

Plaintiff Management Registry, Inc. ("MRI") alleges a myriad of claims against A.W. Companies, Inc. ("A.W."), Allan and Wendy Brown, and a former MRI employee, Milan Batinich. On September 30, 2022, the Court granted in part and denied in part the parties' cross motions for summary judgment. *Management Registry, Inc. v. A.W. Companies, Inc.*, No. 17-5009, 2022 WL 4706702 (D. Minn. Sept. 30, 2022). Both parties filed letters requesting permission to file motions to reconsider under Local Rule 7.1(j), which the Court granted. (See Order, Oct. 21, 2022, Docket No. 701.) MRI ultimately never filed its motion to reconsider.

MRI has now again requested leave to file a motion to reconsider the Order pursuant to Local Rule 7.1(j), claiming that factual findings made by the American Arbitration Association's Employment Arbitration Tribunal constitute extraordinary circumstances allowing for reconsideration of the Court's summary judgment decision. (Letter to Request Permission to File Mot. Reconsider, Dec. 22, 2022, Docket No. 729.) After reviewing the parties' letters and the arbitrator's findings, the Court finds that there are "compelling circumstances" warranting permission. L.R. 7.1(j). Therefore, the Court will grant MRI permission to file its motion to reconsider.

The Court, however, will **only** consider arguments from the parties regarding the American Arbitration Association's factual findings identified in MRI's request for permission to file its motion to reconsider. The Court **will not** consider any other factual findings. This Order does not impact A.W.'s pending Motion to Reconsider. (See Mot. Reconsider, Nov. 14, 2022, Docket No. 712.)

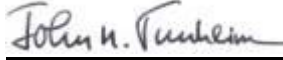
ORDER

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Plaintiff's Request for Permission to File a Motion to Reconsider [Docket No. 729] is **GRANTED**;
2. The parties are **ORDERED** to file their motions and supporting briefs and evidence as follows:

- a. Plaintiff shall file its motions for reconsideration, supporting briefs, and supporting evidence no later than 21 days from the entry of this Order;
- b. Defendants shall file their response no later than 35 days after entry of this Order; and
- c. Plaintiff shall file its reply, if any, no later than 42 days after entry of this Order.

DATED: February 14, 2023
at Minneapolis, Minnesota.


JOHN R. TUNHEIM
United States District Judge